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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wayne L. Ryan et al.

Group Art Unit: 1641

Serial No.: 09/747,619

Examiner: B. Nguyen

Filed: December 22, 2000

For: IMPROVED FLOW CYTOMETRY REAGENT AND SYSTEM

Attorney Docket No.: 1003-015

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TECH CENTER 1600/2900

Commissioner for Patents  
Washington, D.C. 20231

**SUBSTITUTE AMENDMENT ACCOMPANYING  
REQUEST FOR CONTINUED EXAMINATION**

In response to an Office Action mailed September 14, 2001 and made final, and in response to the Notice of January 15, 2002, please amend the application as follows:

In the Claims:

Please cancel claim 5, add new claim 41, and amend claims 1, 39 and 40 as follows:

sub D1  
1. (Twice Amended) A reagent composition for flow cytometric analysis of a sample of fresh human blood, comprising:

- C1
- a. a lipoprotein in contact with leukocytes of said sample of fresh human blood for minimizing lysis of said leukocytes;
  - b. an agent for lysing erythrocytes from said sample of fresh blood for permitting flow cytometric analysis of said leukocytes; and
  - c. a preservative selected from the group consisting of diazolidinyl urea (DU), imidazolidinyl urea (IDU), an oxazolidine and mixtures thereof.

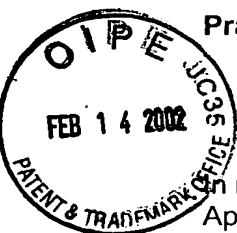
sub D1/C2  
39. (Once Amended) A reagent composition for cytometric analysis of a sample of fresh human blood, comprising:

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Practitioner's Docket No. 1003-015

PATENT



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In re application of: Ryan, Wayne L.

Application No.: 09/747,619

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AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is a small entity. A statement was already filed.

**EXTENSION OF TERM**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

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CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service with sufficient postage as Express Mail EV057648716US in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

**FACSIMILE**

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: 02-14-02

Roni L. Masquelier  
Signature

Roni L. Masquelier  
(type or print name of person certifying)

	(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total	12	Minus	38	= 0	x \$9 =	\$0
Indep.	5	Minus	5	= 0	x \$42 =	\$0
First Presentation of Multiple Dependent Claim					+ \$140 =	\$0
Total						Addit. Fee
						\$0

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- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,  
 \*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".  
 \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".  
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

No additional fee for claims is required.

#### FEE DEFICIENCY

5. If any additional extension and/or fee is required, charge Account No. 50-1097.  
 If any additional fee for claims is required, charge Account No. 50-1097.

Date: Feb. 14, 2002

  
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